



S/N 09/865056

PATENT

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Aband.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Jean-Louis Mathiez

Examiner: Troy Arnold

Serial No.: 09/865056

Group Art Unit: 3721

Filed: May 24, 2001

Docket: 967.037US1

Title: PACKAGING AND COVER FOR PACKAGING FOR COSMETIC OR
PHARMACEUTICAL COMPOSITIONS

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OFFICE OF PETITIONS

PETITION TO WITHDRAW HOLDING OF ABANDONMENT

UNDER 37 CFR § 1.181(a) OR, IN THE ALTERNATIVE,

PETITION TO REVIVE ABANDONED

APPLICATION UNDER 37 CFR § 1.137(b)

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TECHNOLOGY CENTER 3700

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

A Notice of Abandonment mailed April 2, 2004 for the above-identified patent application was received by our office April 6, 2004. The Notice alleges that Applicant failed to timely file a Response to the Restriction Requirement as required in the Restriction Requirement mailed October 21, 2003.

However, on November 4, 2003, Applicants filed a Response to the Restriction Requirement, with a Certificate of Mailing reflecting the same. In return, Applicant received a PTO-stamped postcard acknowledging receipt of the submitted Response to Restriction Requirement by the USPTO on November 10, 2003. True and accurate copies of the documents mailed November 4, 2003 and the PTO-stamped return postcard are attached as Exhibits A and B, respectively.

Applicants believe that all rejections to the Restriction Requirement were overcome with the timely filed Response to the Restriction Requirement on November 4, 2003.

Thus, there is no action or omission by Applicants to support a holding that the above-identified application was or is abandoned. Accordingly, the abandonment holding should be withdrawn and prosecution resumed as soon as possible.

Accordingly, Applicant asserts that under no circumstances should this application have been abandoned by the office. Applicants did respond on time to the Restriction Requirement and true and accurate copies of the same are hereby attached for the Office's review. Applicants therefore respectfully request that the abandonment be withdrawn and this application be submitted for immediate examination.

It is believed that no fee is required for a petition to withdraw a holding of abandonment.
(See MPEP 711.03(c)), and therefore no fee is enclosed. However, if a fee is required, please charge it to Deposit Account No. 19-0743.

Any questions concerning this submission may be directed to the Applicants' undersigned representative.

Respectfully submitted,

JEAN-LOUIS MATHIEZ

By his Representatives,

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.
P.O. Box 2938
Minneapolis, MN 55402
(612) 373-6976

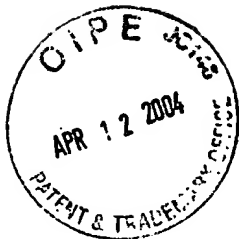
Date 7 Apr 04

By J M Kalis
Jahal M Kalis
Reg. No. 37,650

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 8th day of April, 2004.

Dawn M. Koley
Name

Dawn M. Koley
Signature



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OFFICE OF PETITIONS

Receipt is hereby acknowledged for the following in the United States Patent and Trademark Office:

In re Patent Application of: Jean-Louis Mathiez

Title: PACKAGING AND COVER FOR PACKAGING FOR COSMETIC OR
PHARMACEUTICAL COMPOSITIONS

Serial No.: 09/865056

Filing Date: May 24, 2001

CONTENTS: A Response to Restriction Requirement (2 Pages); a Return Postcard and
TRANSMITTAL SHEET.

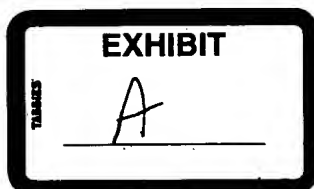
Mailed: November 4, 2003
JMK/dmp

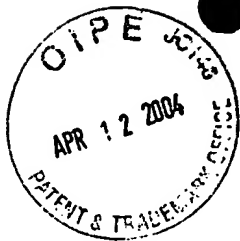
Docket No.: 967.037US1
Due Date: November 21, 2003

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OFFICE OF PETITIONS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Jean-Louis Mathiez

Title: PACKAGING AND COVER FOR PACKAGING FOR COSMETIC OR PHARMACEUTICAL COMPOSITIONS

Docket No.: 967.037US1

Filed: May 24, 2001

Examiner: Troy G. Arnold

Customer No.: 21186

Serial No.: 09/865056

Due Date: November 21, 2003

Group Art Unit: 3721

Confirmation No.: 2304

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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We are transmitting herewith the following attached items (as indicated with an "X"):

☒ A return postcard.

☒ A Response to Restriction Requirement (2 Pages).

If not provided for in a separate paper filed herewith, Please consider this a PETITION FOR EXTENSION OF TIME for sufficient number of months to enter these papers and please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.
Customer Number 21186

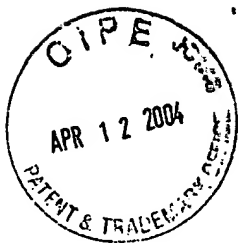
By: Janal M. Kalis
Atty: Janal M. Kalis
Reg. No. 37,650

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 4th day of November, 2003.

Dawn M. Poole
Name

Dawn M. Poole
Signature

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A. Customer Number 21186
(GENERAL)



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OFFICE OF PETITIONS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Jean-Louis Mathiez

Title: PACKAGING AND COVER FOR PACKAGING FOR COSMETIC OR PHARMACEUTICAL COMPOSITIONS

Docket No.: 967.037US1

Serial No.: 09/865056

Filed: May 24, 2001

Due Date: July 2, 2004

Examiner: Troy G. Arnold

Group Art Unit: 3721

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

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We are transmitting herewith the following attached items (as indicated with an "X"):

- ☒ A return postcard.
- ☒ Petition to Withdraw Holding of Abandonment (2 Pages).
- ☒ Exhibit A (4 pgs.).
- ☒ Exhibit B (1 pg.).

If not provided for in a separate paper filed herewith, Please consider this a PETITION FOR EXTENSION OF TIME for sufficient number of months to enter these papers and please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.
Customer Number 21186

By: Jl M. Kalis
Atty: Janal M. Kalis
Reg. No. 37,650

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Dawn M. Poole
Name

Dawn M. Poole
Signature

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.
(GENERAL)



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Title: PACKAGING AND COVER FOR PACKAGING FOR COSMETIC OR
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Examiner: Troy Arnold
Group Art Unit: 3721
Docket: 967.037US1

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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Applicant has reviewed the Restriction Requirement mailed October 21, 2003, wherein the Examiner restricted the claims to one of the following inventions under 35 U.S.C. 121:

- I. Claims 1-30, drawn to packaging (for cosmetics), classified in class 206, subclass 581.
- II. Claims 31 and 32, drawn to a method of using a packaging (for cosmetics), classified in class 53, subclass unknown.

Applicant provisionally elects, **with** traverse, the claims of Group I (claims 1-30). Applicant elects Species III, as shown in Figs. 3-6 and 24-26. Applicant reserves the right to file divisional application(s) on the non-elected claims if they are not allowed into the present application.

RESPONSE TO RESTRICTION REQUIREMENT

Serial Number: 09/865056

Filing Date: May 24, 2001

Title: PACKAGING AND COVER FOR PACKAGING FOR COSMETIC OR PHARMACEUTICAL COMPOSITIONS

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Conclusion

Applicant respectfully requests a favorable examination of the merits of this patent application. The Examiner is invited to telephone Applicant's attorney (612-373-6976) to facilitate prosecution of this application. Please charge any additional fees deemed necessary to Deposit Account 19-0743.

Respectfully submitted,

JEAN-LOUIS MATHIEZ

By his Representatives,

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.
P.O. Box 2938
Minneapolis, MN 55402
(612) 373-6976

Date 7 November 03

By J. M. Kalis

Janal M Kalis

Reg. No. 37,650

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 9th day of November, 2003.

Name

Dawn M. Pote

Signature

Dawn M. Pote

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Docket No.: 967,037US1
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